



STATE PUBLIC WORKS BOARD

November 12, 2021

APPROVED MINUTES**PRESENT:**

Ms. Gayle Miller, Chief Deputy Director, Department of Finance
Mr. Jim Davis, Chief Deputy Director, Department of Transportation
Ms. Ana Lasso, Director, Department of General Services
Mr. David Oppenheim, Deputy Controller, State Controller
Mr. Blake Fowler, Director of Public Finance, State Treasurer
Mr. Bryan Cash, Secretary, Natural Resources Agency

CALL TO ORDER AND ROLL CALL:

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:01 a.m.
Ms. Marie Magdaleno, called the roll. A quorum was established.

BOND ITEMS:

The first order of business was to consider one Bond Item.

Bond Item 1: Ms. Lukenbill, Executive Director for the Board, indicated that if approved, Bond Item 1 would adopt a resolution authorizing actions to be taken to provide for interim financing, authorize the sale of lease revenue bonds, approve the form of and authorize the execution and delivery of a Project Delivery Agreement, and other related actions for the construction of the Adult Local Criminal Justice Facilities Project in Contra Costa County, for the Board of State and Community Corrections.

Staff recommended approval of the resolution.

A motion was made by Ms. Miller and seconded by Mr. Fowler. The motion passed unanimously through a 5-0 roll-call vote (Ms. Miller, Ms. Lasso, Mr. Davis, Mr. Oppenheim, and Mr. Fowler all voting aye).

Ms. Miller thanked and excused Mr. Oppenheim and Mr. Fowler.

MINUTES:

The next order of business was to approve the minutes from the October 15, 2021 and October 25, 2021 Board meetings.

Ms. Lukenbill stated that staff had prepared and reviewed the minutes from the October 15, 2021 and October 25, 2021 Board meetings and recommended approval of those meeting minutes.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

A motion was made by Ms. Miller and seconded by Ms. Lasso to approve the meeting minutes. The motion passed unanimously.

CONSENT ITEMS:

The next order of business was to consider three consent items.

Ms. Lukenbill noted that Item 1 was related to a project within the Natural Resources Agency; therefore it would be considered separately, with Mr. Cash from the Natural Resources Agency as a voting member of the Board.

- Consent Item 1: If approved, the request would consider authorizing the acquisition of real property and the execution of a Property Acquisition Agreement, for the Macdoel Fire Station: Facility relocation project, in Siskiyou County, for the Department of Forestry and Fire Protection.

Staff recommended approval of Consent Item 1.

Ms. Miller asked if there were any questions from the Board, or from the public. There were none.

A motion was made by Mr. Cash and seconded by Ms. Lasso. The motion passed unanimously through a 4-0 roll-call vote (Ms. Miller, Mr. Davis, Ms. Lasso, and Mr. Cash all voting aye).

Ms. Miller thanked and excused Mr. Cash.

Ms. Lukenbill stated that the Consent Calendar included two additional items:

- Consent Item 2: If approved, the request would provide an augmentation in the amount of \$735,000 General Fund for the construction phase of the Coalinga State Hospital, New Activity Courtyard project in Fresno County, for the Department of State Hospitals.
- Consent Item 3: If approved, the request would provide an augmentation in the amount of \$193,000 General Fund for the construction phase of the Middle School Activity Center, California School for the Deaf, Fremont in Alameda County, for the California Department of Education. Los Angeles Community College District, West Los Angeles College, Plant Facilities/Shops Replacement project in Los Angeles County.

Ms. Lukenbill stated that consent items 2 and 3 required 20-day notices to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for the actions had expired without adverse comment.

Staff recommended approval of the Consent Items 2 and 3.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

A motion was made by Ms. Miller and seconded by Mr. Davis. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).

ACTION ITEMS:

The next order of business was to consider two action items.

- Action item 1: If approved, the request would adopt an amended Resolution of Necessity authorizing the use of eminent domain to acquire the following property or interests in property for the High Speed Rail Authority:
 - Property Owner Unknown (Cole Slough, Fresno County)

Ms. Lukenbill stated that on April 16, 2021, the Board adopted Resolution of Necessity 2020-0120, authorizing the use of eminent domain to acquire the Unknown Property in Cole Slough, Fresno County. Resolution of Necessity 2020-0120 was being amended to correct an error in the original legal description for FB 10-0880-1. A Notice of Intent to adopt an amended RON was posted on site at the northern property line, as there was no owner identified. The notice was sent in accordance with Code of Civil Procedure section 1245.235.

Staff recommended approval of Action Item 1.

A motion was made by Ms. Lasso and seconded by Mr. Davis. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).

- Action item 2: If approved, the request would adopt two Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for the High Speed Rail Authority.

Ms. Lukenbill noted that property #2, the Felipe Property (Kings County), property #3, the SVM Enterprises Property (Fresno County), and property #4, the Olvera Property (Kern County) had been pulled from the agenda and would not be part of the vote.

On October 26, 2021, a Notice of Intent to adopt a Resolution of Necessity was mailed by Board staff to the property owners for property 1. The Notice of Intent for Property 5 was posted at the property boundary along North Golden State Boulevard. The notices were sent in accordance with Code of Civil Procedure.

Ms. Lukenbill noted that the members' briefing packages contained the Resolutions of Necessity and surveyor maps for each of the properties. The Board received no objections from the respective property owners or their counsel for the two properties that were part of the vote.

Nitika Nitashni, serving as counsel to the Board on Eminent Domain items, presented the RONS. He explained that it was counsel's opinion that there was prima facie evidence that the factors set forth in Code of Civil Procedures section 1245.230 were present.

It is counsel's opinion that for the two Resolutions of Necessity, prima facie evidence for these factors is present such that the Board may adopt the Resolutions of Necessity, and if the Board agreed and determined that the factors were present, the Board may move to adopt the RONS.

Staff recommended adoption of the two Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail. Specifically, staff recommended the adoption of properties 1 and 5.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

A motion was made by Mr. Davis and seconded by Ms. Lasso. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Lasso all voting aye).

GENERAL PUBLIC COMMENT:

NONE

REPORTABLES:

Ms. Lukenbill presented the reportable items for the period October 5, 2021 through November 1, 2021.

Ms. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

NEXT MEETING:

Ms. Miller stated that the next Board meeting was scheduled for Friday, December 10, 2021 at 10 am, through a zoom meeting link that will be posted on the Board's website.

Ms. Miller asked if there were any other questions or comments from the Board, or from the public. There were none.

The meeting was concluded.